

立法會
Legislative Council

LC Paper No. CB(2)2055/08-09
(These minutes have been seen
by the Administration)

Ref : CB2/PL/SE

Panel on Security

Minutes of meeting
held on Tuesday, 5 May 2009, at 2:00 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon LAU Kong-wah, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Albert HO Chun-yan
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon CHIM Pui-chung
Hon CHAN Hak-kan
Hon WONG Kwok-kin, BBS
Hon WONG Yuk-man
Hon IP Kwok-him, GBS, JP
- Members absent** : Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LEUNG Kwok-hung
- Public Officers attending** : Item IV
Mrs Jessie TING, JP
Deputy Secretary for Security

Mr David LAU
Principal Assistant Secretary for Security (A)

Captain Michael CHAN
Controller
Government Flying Service

Captain Eric LEUNG
Senior Pilot (Aeroplane Standards)
Government Flying Service

Mr Jason YUEN
Senior Aircraft Engineer (Support)
Government Flying Service

Item V

Mrs Jessie TING, JP
Deputy Secretary for Security

Mr David LAU
Principal Assistant Secretary for Security (A)

Mr SUEN Kwai-leung
Assistant Commissioner of Police (Operations)

Mr LAM King-kong
Acting Deputy District Commander
Hong Kong Police Force

Mr WONG Shek-kee
Senior Inspector (Operations Support & Training) (Border)
Hong Kong Police Force

Mr CHOW Chi-ping
Project Director
Architectural Services Department

Item VI

Mr David LAU
Principal Assistant Secretary for Security (A)

Mr LEUNG Koon-wah, CDSM, CMSM
Assistant Commissioner
Customs & Excise Department

Mr HO Sang-lee
Senior Staff Officer (Service Administration)
Customs & Excise Department

Mr CHOW Chi-ping
Project Director
Architectural Services Department

Item VII

Mr Paul CHENG
Principal Assistant Secretary for Security (B)

Mr LEE Sheung
Assistant Commissioner of Correctional Services
(Rehabilitation)

Mr LO Huen
General Manager (Industries and Vocational Training)
Correctional Services Department

Dr Judy HUI
Senior Clinical Psychologist
Correctional Services Department

Item VIII

Ms Sally WONG, JP
Commissioner for Narcotics

Mr David WONG
Principal Assistant Secretary for Security (Narcotics)

Miss Gloria LO
Principal Assistant Secretary for Food and Health (Health) 2

Mr Steve LEE
Principal Assistant Secretary for Education
(School Development)

Mr CHEUNG Hing-wah
Assistant Director (Youth and Corrections)
Social Welfare Department

Mr Y K TAM, CMSM
Assistant Commissioner (Intelligence and Investigation)
Customs & Excise Department

Dr Tina MOK
Principal Medical & Health Officer
Department of Health

Mr Peter G ELSE
Chief Superintendent of Police (Narcotics Bureau)

Item IX

Mrs Apollonia LIU
Principal Assistant Secretary for Security (E)

Miss Trista LIM
Assistant Secretary for Security

Mr Hubert LAW
Principal Assistant Secretary for Constitutional and Mainland
Affairs

Mr TANG How-kong
Regional Commander (Kowloon West)
Hong Kong Police Force

Mr Alan YU
Chief Superintendent of Police (Support Branch)
(Support Wing)
Hong Kong Police Force

**Clerk in
attendance** : Mr Raymond LAM
Chief Council Secretary (2) 1

**Staff in
attendance** : Mr LEE Yu-sung
Senior Assistant Legal Adviser 1

Miss Josephine SO
Senior Council Secretary (2) 1

Ms Judy TING
Council Secretary (2) 3

Miss Kiwi NG
Legislative Assistant (2) 1

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I. Confirmation of minutes of previous meeting
(LC Paper No. CB(2)1420/08-09)

The minutes of the meeting held on 3 March 2009 were confirmed.

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II. Information paper issued since the last meeting

(LC Paper No. CB(2)1356/08-09(01))

2. Members noted that a referral from Legislative Council (LegCo) Members' meeting with Kwai Tsing District Council members on the setting up of Immigration and Registration of Persons Office in Kwai Tsing or Tsuen Wan District had been issued since the last meeting.

III. Date of next meeting and items for discussion

(LC Paper Nos. CB(2)1419/08-09(01) & (02))

3. Members noted that the Administration had proposed to discuss the following items at the next regular meeting scheduled for 2 June 2009 at 2:30 pm -

- (a) Review of the torture claim screening mechanism; and
- (b) Legislative proposals to implement immigration convenience measures for Macao visitors.

4. The Chairman reminded members that the Panel had agreed at a previous meeting to discuss the subject of installation of closed-circuit television cameras in public places at the Panel meeting in June 2009.

5. Referring to her letter dated 14 April 2009 to the Chairman, Ms Emily LAU expressed concern about the exercise of discretionary powers by the Director of Immigration in the processing of contract renewal applications from foreign domestic helpers (FDH) and issues relating to the conduct of principal officials arising from the contract renewal application of the FDH of a principal official. She suggested that a discussion item on the relevant issues should be included in the agenda for the meeting on 2 June 2009.

6. The Chairman said that he had also received a similar joint letter from Mr WONG Yuk-man and Mr LEUNG Kwok-hung. He pointed out that the discretion of the Director of Immigration in the processing of contract renewal applications from FDHs was within the purview of the Panel. However, the issue of conduct of principals was under the purview of the Panel on Constitutional Affairs and it was more appropriate for members to raise the issue with the Panel on Constitutional Affairs. Members agreed that the discretion of the Director of Immigration in the processing of contract renewal applications from FDHs would be discussed at the Panel meeting on 2 June 2009.

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7. Ms Audrey EU suggested that a joint meeting could be held with the Panel on Constitutional Affairs to discuss the discretion of the Director of Immigration in the processing of contract renewal applications from FDHs as well as the conduct of principal officials. The Chairman said that he would discuss the suggestion with the Chairman of the Panel on Constitutional Affairs.

(Post-meeting note : The Chairmen of the Panel and the Panel on Constitutional Affairs had, after considering the suggestion of holding a joint meeting, considered that issues relating to the conduct of principal officials, if any, should be dealt with separately by the Panel on Constitutional Affairs. Members were informed accordingly vide LC Paper No. CB(2)1589/08-09 on 19 May 2009.)

8. Dr Margaret NG considered that as the Law Society of Hong Kong and the Hong Kong Bar Association had provided the Panel earlier on with a joint position paper on the legislative framework for torture claimants and asylum seekers, they should be invited to attend the Panel meeting to give views when the results of the Administration's review of the torture claim screening mechanism were discussed. Ms Audrey EU further suggested that invitation should be extended to Hong Kong Human Rights Monitor.

9. In view of the number of items proposed for discussion at the June meeting and that there was no urgency for immediate discussion of the item in paragraph 3(a), members agreed that the item "Review of the torture claim screening mechanism" be discussed at the regular meeting in July 2009.

IV. Replacement of fixed-wing aircraft of the Government Flying Service

(LC Paper No. CB(2)1419/08-09(03))

10. Deputy Secretary for Security (DS for S) briefed members on the Administration's proposal to replace two Jetstream 41 (J-41) fixed-wing aircraft of the Government Flying Service (GFS), as detailed in the Administration's paper. She informed members that the word "each" in the last sentence of paragraph 2 of the Administration paper should be deleted.

11. In response to Ms Emily LAU's enquiry about the non-recurrent cost of the two J-41 aircraft to be replaced, DS for S said that the total non-recurrent cost for the two J-41 aircraft procured in 1997 was about \$140 million.

12. Ms Emily LAU considered the non-recurrent cost of \$776 million for the two proposed small jet planes very expensive, especially in comparison with the two J-41 aircraft procured in 1997. Referring to paragraph 8(c)(iv) of the Administration's paper, she enquired how data on turbulence and windshear would be collected by the new jet planes for the Hong Kong Observatory (HKO).

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13. DS for S and Controller of Government Flying Service (CGFS) responded that -

- (a) the non-recurrent expenditure of \$776 million for the two jet planes included the costs of two small multi-purpose jet planes with mission equipment, modification and certification work for the installation of mission equipment, the initial batch of essential spare parts and tools, and training of the aircrew and engineering staff for the operation, maintenance and repair of the new aircraft. It would not be appropriate to compare the non-recurrent expenditure for the J-41 aircraft and the jet planes as there were significant differences between the old and new aircraft.
- (b) GFS initially planned to deploy the new jet planes for the collection and real-time transfer of meteorological data to HKO once a day so as to enable it to disseminate accurate and timely turbulence and windshear warnings to aircraft arriving at and departing from the Hong Kong International Airport. Where necessary, more flights would be conducted by the new jet planes each day for such purpose.

14. In response to Ms Emily LAU's question about the need for the deployment of the replacement jet planes for meteorological data collection, CGFS explained that although ground radar was an alternative for collecting meteorological data, the data collected by ground radar was not as precise as those collected in the air by the jet planes.

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15. Ms Emily LAU requested the Administration to provide information on why the non-recurrent expenditure of the replacement project showed an increase of about \$600 million over the last replacement exercise when the two existing J-41 aircraft came into service in 1999.

16. Ms Audrey EU expressed concern about the safety of the existing J-41 aircraft, given that they had to remain in service until 2013 and that they were constantly subject to shortage in the supply of spare parts, extreme weather and poor operating conditions. She enquired whether the existing J-41 aircraft were currently performing meteorological data collection for HKO. Ms EU also asked about the other duties performed by the existing J-41 aircraft besides the 24-hour search and rescue (SAR) service and air ambulance service. Referring to paragraph 10 of the Administration's paper, she queried why the fuel consumption of the replacement jet planes would only be comparable to that of the existing J-41 aircraft, despite the advancement in technology. She also asked why there was a need for the certification referred to in item (c) of Annex A to the Administration's paper.

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17. CGFS responded that -

- (a) GFS proposed to replace the J-41 aircraft because the aircraft manufacturer had ceased the production of the model, such that the spare parts supply had become unreliable and expensive. However, GFS has stocked up sufficient spare parts for maintaining the safe operation of the existing J-41 aircraft in the next three to four years;
- (b) the J-41 aircraft were currently deployed for short- and long-range SAR operations, including providing support for the work of other disciplined services, assisting in the preparation of aerial maps, and detecting radio frequency interference;
- (c) certification work for the installation of mission equipment was a mandatory requirement of the aviation authorities of the place where the manufacturer was based. However, the non-recurrent expenditure for "modification work with certification" was only an estimate. The actual expenditure would be determined after the modification requirements had been finalized; and
- (d) the fuel consumption of the replacement jet planes was estimated to be similar to that of the existing J-41 aircraft.

18. Mr CHAN Hak-kan commended GFS for its service to the general public, in particular its efficient and timely SAR service. Noting that the existing J-41 aircraft were introduced into service in 1999, he asked whether the relatively short serviceable life of about 14 years for the aircraft was acceptable. He also enquired about the anticipated serviceable life of the replacement jet planes and whether training on the operation and maintenance of the new jet planes would be provided by the manufacturer.

19. DS for S explained that the serviceable life of the aircraft replaced by the existing J-41 aircraft were also about 12 to 13 years. The relatively short serviceable life of the aircraft was due to the fact that they constantly operated in a demanding environment and were required to fly at low altitudes over the sea with exposure to highly corrosive and salt-laden air. This had resulted in abnormal wear and tear of the components of the aircraft. As regards training for aircrew and engineering staff for the replacement jet planes, DS for S informed members that non-recurrent expenditure of \$8,000,000 had been earmarked for the purpose.

20. CGFS supplemented that -

- (a) following GFS's review of its aircraft fleet in 2008, it was noticed that the level of technical support for the J-41 aircraft from the

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manufacturer and spare parts suppliers had gradually declined. GFS estimated that there would be a shortage of spare parts for the J-41 aircraft in about four years' time, thus affecting the serviceability of the aircraft and the reliability of GFS's operations;

- (b) whereas commercial aircraft flew mostly at high altitudes, GFS's J-41 aircraft constantly flew at altitudes below 3 000 feet where the highly corrosive salt-laden atmosphere brought about a higher rate of wear and tear on the components of J-41 aircraft. The wear and tear on a J-41 aircraft flying at low altitude for one hour would be equivalent to that of a three-hour flight for a commercial aircraft flying at a high altitude; and
- (c) GFS had no information on the anticipated serviceable life of the replacement jet planes. In taking forward the replacement project, GFS would consider laying down the requirement for the jet planes to be capable of being overhauled after about 10 years' service so that the serviceable life of the jet planes could be extended.

21. The Deputy Chairman asked about the number, non-recurrent cost and specification of the SAR aircraft of other places such as Japan, Korea and Taiwan. He also asked about the number of tenders that GFS expected to receive for the replacement jet planes.

22. CGFS responded that Japan and Korea had 26 and three SAR aircraft respectively which were similar to those of GFS. He had no information on hand about Taiwan's SAR aircraft. As regards the non-recurrent costs of the SAR aircraft in Japan and Korea, CGFS said that they should be similar to that of the replacement jet planes of GFS since they were built for similar purposes. He anticipated that two or more bids would be received for the replacement jet planes.

23. The Deputy Chairman said that he had been advised by industry experts that because of the requirement for different mission equipment, only very few manufacturers would be able to meet the tender requirements. As a result, GFS might finally receive only one tender for the replacement jet planes. He requested the Administration to provide a more detailed breakdown of the expenditure for "mission equipment" and "modification work with certification" in items (b) and (c) in Annex A to the Administration's paper at least two weeks before the submission of its proposal to the Finance Committee.

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24. Mr CHEUNG Man-kwong said that many countries had flying services similar to GFS. He enquired whether the serviceable lives of their aircraft were

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also about 12 to 13 years. He expressed concern that there were many proposals of the Administration concerning procurement of advanced technological equipment where the main reason for procurement was the discontinuation of technical support and supply of spare parts from the manufacturers. Since adequate technical support and the supply of spare parts was the key factor for maximizing the serviceable life of an aircraft, Mr CHEUNG questioned why GFS had not sought for a longer guarantee period from the manufacturers and spare parts suppliers.

25. CGFS responded that GFS was very unique in comparison with the SAR flying services of other places, which were usually part of the military service and were not subject to civil aviation regulation. GFS was subject to the Civil Aviation Ordinance (CAO) (Cap. 448) and its aircraft had to undergo extensive modification in order to meet the requirements in CAO. Regarding the serviceable life of aircraft, CGFS explained that it depended upon the size of the aircraft fleet. The United States Coast Guard, for example, had a fleet of hundreds of aircraft and hence was able to develop an overhaul programme with the manufacturer. Such a programme was however too expensive for GFS, given its relatively small fleet of aircraft.

26. Mr CHEUNG Man-kwong said that other operators of J-41 aircraft should have encountered similar problems regarding technical support and availability of spare parts. He expressed concern that GFS had made provision for about \$100 million to procure a jet plane while spending about the same amount of money for modifying it. He queried whether such extensive modifications to GFS's J-41 aircraft were necessary. The Chairman asked whether similar modifications had been made to the J-41 aircraft of other countries.

27. CGFS responded that when the existing J-41 aircraft were procured in 1997, there were 104 J-41 aircraft in service worldwide. Among them, only the two aircraft of GFS had undergone extensive modification. In 2008, there were only 46 J-41 aircraft in service worldwide. He stressed that GFS's unique operational needs required its aircraft to undergo extensive modification to accommodate different types of mission equipment and to meet the requirements in CAO. The existing J-41 aircraft procured in 1997 were designed for carrying passengers. Modifications had been made to tailor the aircraft for GFS's operational needs, such as inflight dropping of rescue aids to survivors at sea. Subsequent mandatory certification had to be carried out to ensure that the aircraft was operationally safe after modification.

28. CGFS informed members that the SAR aircraft of South Korea had also undergone extensive modifications. There was no "off-the-shelf" jet plane in the market that met all the requirements of GFS and thus modifications were inevitable.

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29. The Chairman requested the Administration to provide information about GFS's unique operational requirements which necessitated extensive modifications to the two proposed jet planes and the subsequent certification work for installation of different types of mission equipment.

30. Ms Audrey EU asked how GFS would dispose of the existing J-41 aircraft. CGFS responded that the existing J-41 aircraft would be disposed by invitation of tenders in accordance with the established procedures.

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31. Ms Audrey EU expressed doubt about whether there would be any buyer for the obsolete aircraft because there were no spare parts available from the suppliers. She requested the Administration to advise how it disposed of obsolete aircraft, including the two existing fixed-wing J-41 aircraft upon the commissioning of the new aircraft by 2013.

32. The Chairman asked whether consideration would be given to procuring SAR aircraft from the Mainland. CGFS responded that the SAR aircraft of western countries were more advanced in terms of technology. The Mainland was still at the early stage of development of SAR service.

33. The Chairman concluded that the Panel did not object to the submission of the proposal to the Finance Committee.

V. Construction of a Secondary Boundary Fence and new sections of the Primary Boundary Fence and the Boundary Patrol Road arising from the reduced coverage of the Frontier Closed Area (LC Paper Nos. CB(2)1419/08-09(04) & (05))

34. DS for S briefed members on the Administration's proposal to upgrade part of project 12GB to Category A for the construction of a secondary boundary fence along the boundary patrol road (BPR) and new sections of the BPR and the primary boundary fence at certain locations along the land boundary between the Hong Kong Special Administrative Region (HKSAR) and the Mainland in order to take forward the phased implementation of the reduced coverage of the Frontier Closed Area. Details of the proposal were set out in the Administration's paper.

35. Members noted that the estimated non-recurrent cost of the part of project 12GB proposed to be upgraded to Category A was \$395.5 million in money-of-the-day prices, and the Administration planned to seek funding approval from the Finance Committee in June 2009 with a view to commencing the construction works by phases from the fourth quarter of 2009.

36. Members did not raise any question on the Administration's proposal.

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VI. Redevelopment of departmental quarters for the Customs and Excise Department at Hung Hom, Kowloon

(LC Paper No. CB(2)1419/08-09(06))

37. Principal Assistant Secretary for Security (A) (PAS(S)A) briefed members on the Administration's proposal to redevelop the departmental quarters for the Customs and Excise Department at Tsing Chau Street and Lee Kung Street, Hung Hom, as detailed in the Administration paper. PAS(S)A highlighted that while the original estimated cost of the project as stated in the Administration's paper was \$375 million, further refinement of the costs had reduced the sum to about \$275 million. The major reduction in costs was due to the fact that the original estimate was carried out in the third term of 2008, before the financial tsunami, whereas the latest estimate was carried out in the light of the recent economic downturn where costs of building works were substantially lower than those of the previous period. PAS(S)A also said that the Administration had consulted the Housing and Infrastructure Committee of the Kowloon City District Council and members of the committee generally supported the project. He further noted that the proposed redevelopment project would help create job opportunities and improve the environment of the area.

38. Members did not raise any question on the Administration's proposal.

VII. Latest development in the provision of rehabilitative services by the Correctional Services Department

(LC Paper Nos. CB(2)1207/08-09(06) & (07))

Vocational training for adult offenders

39. Ms Emily LAU expressed concern about the adequacy and quality of vocational training provided for adult offenders. She considered that the Administration should make its best endeavour to ensure that the training courses/programmes provided by the Correctional Services Department (CSD) could help improve offenders' vocational skills and enhance their chance of securing gainful employment after release. She cited courses on English and computing as examples, and enquired about the feedback of rehabilitated offenders on training courses currently available in penal institutions.

40. Principal Assistant Secretary for Security (B) (PAS(S)B) and Assistant Commissioner of Correctional Services (Rehabilitation) (AC/CS(R)) advised that -

- (a) pre-release vocational training courses provided by CSD were targeted at adult local prisoners who were due to be released in

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three to 24 months, with the aim of improving their vocational skills so as to help them find jobs and reintegrate into the society as soon as possible after their release from penal institutions;

- (b) at present, there were a total of 4 900 adult local prisoners serving their sentences at various penal institutions. 2 600 to 2 700 of them had a remaining sentence of three to 24 months. In 2009, about 630 part-time and 200 full-time vocational training places would be provided for eligible adult prisoners. This represented a 14% increase in the number of training places as compared with that of 2008;
- (c) based on past enrolment experience, CSD expected most of the adult prisoners who applied for such training courses and fulfilled the relevant criteria would be given an offer. Taking note of the shortfall of about 100 vocational training places in 2008, CSD would keep up its efforts in reviewing the adequacy of the vocational training provided for offenders in the coming years;
- (d) all participating inmates were requested to complete an evaluation form upon completion of vocational training. The evaluation results showed that more than 95% of the participants considered the training programmes useful in facilitating their rehabilitation, as the courses were graded either as "very satisfactory" or "satisfactory". The Administration reviewed from time to time the usefulness and quality of vocational training provided for offenders in order to enhance their employability after discharge. In providing accredited and market-oriented vocational training for offenders, CSD regularly reviewed the content of the training programmes having regard to the manpower projection in Hong Kong and the employment statistics of discharged offenders; and
- (e) to provide better support services for rehabilitated persons after their discharge from penal institutions, CSD had, since October 2006, engaged the Society of Rehabilitation and Crime Prevention, Hong Kong (SRACP) to provide follow-up employment services for rehabilitated offenders who had completed pre-release vocational training provided by CSD. Statistics provided by SRACP showed that from October 2006 to March 2009, 722 (i.e. 77.9%) of those 927 rehabilitated persons who had completed pre-release vocational training courses before leaving the penal institutions accepted follow-up employment service provided by SRACP, and 82.7% of these people were able to find a job within three months after release.

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41. Referring to paragraph 6 of the Administration's paper, Dr Margaret NG sought more detailed information on CSD's plan to offer in 2009 around 180 vocational training places which helped offenders attain external accreditation and recognized qualifications.

42. General Manager (Industries and Vocational Training) (GM/CSD) advised that -

- (a) as a further step to strengthen vocational training for prisoners, CSD had conducted a review of the Correctional Services Industries (CSI) in 2008 to explore whether vocational training elements could be added to the industrial production process in which the prisoners were currently engaged as required by law. The review confirmed that CSI should continue to play an important role in maintaining prison stability and supporting the safe and humane custody of prisoners. It also indicated that there was scope for strengthening the elements of vocational training, whereby prisoners could benefit from participating in the production process in the prison workshops while acquiring vocational skills at the same time;
- (b) having regard to the review results, and with a view to achieving better co-ordination with the provision of rehabilitative services, CSD had transferred the CSI Unit from its Operations Division to the Rehabilitation Division and merged it with the Vocational Training Unit since February 2009. The new combined unit had been renamed as the "Industries and Vocational Training Section". After this organizational change, CSD had already taken the first step to increase the element of vocational training in a few industries. Examples included -
 - (i) prisoners working at commercial laundries were offered laundry assistant training courses financed by the Employees Retraining Board (ERB);
 - (ii) prisoners working at the precast concrete workshop were provided with training to facilitate them to take the trade test for concreter of the Construction Industry Council Training Academy;
 - (iii) prisoners working in the printing and graphic design workshops were assisted to apply for accreditation with certificates issued by the Vocational Training Council through the Recognition of Prior Learning Mechanism under the Hong Kong Qualifications Framework; and

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- (c) prisoners engaged in these training courses would be given the necessary classroom training as well as on-the-job instructions by qualified instructors. With this new initiative, more prisoners would be given the opportunity to receive vocational training, and attain external accreditation and recognized qualifications in the course of their production processes in prison workshops.

43. The Deputy Chairman said that in accordance with the Prison Rules (Cap. 234A), all adult prisoners, irrespective of gender, were required to engage in useful work no less than six hours and no more than 10 hours a day. He enquired whether the new initiative to implant vocational training elements into the industrial production process required legislative amendments.

44. GM/CSD replied in the negative and explained that with this new initiative, more prisoners would be given the opportunity to receive vocational training in the course of their production processes in prison workshops.

45. The Deputy Chairman expressed concern that only a small number of adult prisoners were provided with a chance to receive full-time or part-time market-oriented vocational training in penal institutions. He considered that CSD should strengthen its provision of pre-release vocational training for rehabilitated offenders, so as to enhance their employability after discharge and facilitate their reintegration into the society. He suggested that the Administration should make it a compulsory requirement for prisoners to attend vocational training courses.

46. GM/CSD responded that attending vocational training courses could not be made a compulsory requirement for adult prisoners. Besides the workshops in the correctional institutions for adult prisoners to engage in work, pre-release vocational training was also provided for adult local prisoners with remaining sentences from three to 24 months for enrollment on a voluntary basis. CSD had plans to introduce new or enhanced market-oriented vocational training courses in such trades as food and beverage services, print production, desktop publishing and fashion and clothing design for adult offenders. The purpose of vocational training was to prepare them to meet market needs at the time of release. It was noteworthy that CSD had secured the support of a number of non-government organizations (NGOs) and agencies in providing part-time vocational training for adult prisoners, and rehabilitated persons could continue to seek assistance from SRACP and other NGOs after release, if necessary. The Administration hoped that these services could enhance offenders' employability after discharge and facilitate their smooth reintegration into the society.

47. Dr Margaret NG and Ms Emily LAU noted with concern that only 900-odd adult prisoners meeting the relevant criteria had applied for vocational training in 2008. Dr NG enquired about the reasons for the low enrollment rate

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and measures taken by CSD to encourage adult prisoners to apply for vocational training offered for them. Ms LAU considered the existing policy to provide vocational training only for adult local prisoners with remaining sentences from three to 24 months unfair to prisoners with long-term sentences. She asked whether and how CSD would strengthen the vocational training for adult prisoners with remaining sentences of two years or more. The Administration undertook to provide a written response.

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Education programmes for young offenders

48. In reply to Mr CHEUNG Man-kwong's enquiry, AC/CS(R) advised that CSD provided half-day compulsory education and half-day vocational training to young offenders who were under the age of 21, with an aim to improving their academic standards and enhance their opportunities of gainful employment on release. On education, young offenders were assigned to educational classes according to their academic levels. Apart from general subjects such as Chinese Language, English Language and Mathematics, practical courses such as computer-related and commercial subjects were also offered. On vocational training, courses covering building decoration, electrical and mechanical services, business services, food and beverage services, etc were provided. The majority of these vocational training courses provided a viable means for young offenders to obtain vocational accreditation.

49. Mr CHEUNG Man-kwong expressed concern as to whether the implementation of 12-year free education and the New Senior Secondary (NSS) academic structure from September 2009 onwards would have impact on CSD's provision of compulsory education programmes for young offenders.

50. AC/CS(R) responded that with the implementation of NSS, young offenders in penal institutions, like their counterparts in ordinary schools, would receive six years of secondary education. CSD would adopt the new academic structure and curriculum for senior secondary education with effect from the 2009-2010 school year, to ensure that its education programmes for young offenders were in line with the new curriculum framework. CSD would increase the number of teachers with degree qualifications by upgrading 11 non-graduate teaching posts to graduate posts by the 2012-2013 school year.

Computer training for offenders

51. Responding to Ms Emily LAU's enquiry as to whether computer training and facilities for offenders were adequate, PAS(S)B and AC/CS(R) advised that CSD strived to promote computer literacy of prisoners and inmates through the provision of computer facilities and computer training courses. There were currently 267 computers for young offenders and 370 computers for adult offenders at various penal institutions. Young offenders, i.e. those under the age of 21, received half-day compulsory education which included

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computer study as a core subject. Depending on whether they had enrolled in public examination on computer-related subjects, young offenders used computer and received computer training for around four to six hours per week on average. For adult prisoners, they were required to engage in useful work in accordance with the Prison Rules (Cap. 234A) unless excused on medical grounds. Computer training for adult prisoners was mainly offered in the form of hobby classes with volunteers serving as instructors and prisoners joining on a voluntary basis after work. In 2009, in addition to those 830 part-time and full-time vocational training places which could be taken up by adult local prisoners with remaining sentences of three to 24 months on a voluntary basis, and 160 computer training places offered by ERB for local adult offenders, more than 900 training places on computer courses would be provided for all adult offenders at various institutions. Compared with the number of adult prisoners who had received computer training in 2006 (i.e. 675), the number of computer training places had substantially increased over the years.

Rehabilitative services for ethnic minorities offenders

52. Noting that non-local offenders were not provided with a chance to receive pre-release vocational training, Mr CHEUNG Man-kwong expressed concern as to whether CSD was violating the law in failing to prohibit discriminatory practices on grounds of race, colour, descent, or national or ethnic origin.

53. In response, PAS(S)B and AC/CS(R) made the following points -

- (a) the Administration had sought advice from the Department of Justice (DoJ) on the matter, and was advised that CSD's policy to provide vocational training only for adult local prisoners who were permanent Hong Kong residents did not contravene the provisions of the Race Discrimination Ordinance (Cap. 602);
- (b) in determining the rehabilitative services provided for non-local offenders, CSD had made reference to the "Standard Minimum Rules for the Treatment of Prisoners" adopted by the Office of the United Nations High Commissioner for Human Rights;
- (c) except the vocational training for local offenders, non-local offenders were provided with other rehabilitative services offered by CSD, such as welfare and counselling services;
- (d) apart from taking part in recreational activities such as ball games and board games available at various institutions, non-local offenders could participate in religious activities, cultural activities and festival gatherings organized by NGOs; and

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- (e) the Education Unit provided half-day compulsory education programmes and half-day vocational training for non-local young offenders who were under the age of 21, in the same way as their local counterparts in accordance with the established policy.

54. Responding to Mr Albert HO's enquiry, AC/CS(R) advised that there were at present a total of 1 556 ethnic minorities offenders in Hong Kong's penal institutions. 30% of them were persons of South East Asian origin. To address their special language communication needs, CSD had been providing translation and interpretation services for these prisoners by employing qualified part-time interpreters, as and when necessary. Library books in languages other than Chinese and English were also available in all penal institutions to meet the study need of ethnic minorities offenders.

55. The Deputy Chairman and Dr Margaret NG questioned the rationale for not providing non-local inmates and prisoners with the opportunity to receive vocational training. They considered that the Administration should review its existing policy, for the purpose of eliminating racial discrimination and promoting racial harmony.

56. AC/CS(R) explained that providing non-local prisoners with vocational training would inevitably incur additional public resources. In addition, such a service to non-local prisoners might not be cost effective, given that the HKSAR Government was not aware of the manpower requirements in countries to which these offenders belonged.

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57. Members requested the Administration to provide a written response setting out the rationale and justifications for not providing non-local inmates and prisoners with the opportunity to receive vocational training, and its views towards the suggestion of refining the policy with a view to improving the rehabilitative services for non-local prisoners.

Rehabilitative services for offenders with disabilities

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58. Mr Albert HO was concerned about the rehabilitative services provided for offenders with disabilities. He requested the Administration to provide the Panel with information on the number of offenders who were disabled, the nature and degree of their disability, and the existing rehabilitative services provided for them.

59. Concluding the discussion, the Chairman requested the Administration to provide the Panel with supplementary information on the issues brought up by members. He further said that the Panel would follow up the subject in future.

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VIII. Progress on implementation of recommendations of the Task Force on Youth Drug Abuse

(LC Paper Nos. CB(2)1419/08-09(07), CB(2)1393/08-09(01) and IN12/08-09)

60. Commissioner for Narcotics (C for N) briefed members on the progress of implementation of the recommendations in the Report of the Task Force on Youth Drug Abuse, as detailed in the Administration's paper.

Drug testing

61. Regarding the voluntary drug testing scheme in the school setting, Ms Audrey EU expressed concern about the process of selecting subjects for testing, the drug testing methods, the criteria for invoking the drug testing process and the consequences of a positive drug test. She enquired whether a test would be conducted with the consent of all relevant parties, including the student who was suspected of having drug abuse problem, his or her parent and the school management. Ms EU said that in any case, schools should be prohibited from dismissing students who were tested positive for drugs. Mr CHEUNG Man-kwong echoed her view.

62. Mr WONG Kwok-kin questioned the need for obtaining the consent of students if schools had on their initiatives put in place a drug testing scheme. He said that in practice, a suspect was very unlikely to give consent and hence drug testing should be done without the suspect's consent, if parental consent had already been obtained.

63. C for N responded that promoting drug testing in schools remained a subject of debate. The inter-departmental working group set up in early 2009 to take forward various recommendations of the Task Force on Youth Drug Abuse (the Task Force) appreciated the concerns expressed by various parties, such as privacy, confidentiality, consent and stigmatization. All these issues had to be fully addressed. Against this backdrop, the Narcotics Division (ND) and relevant bureaux and departments had been working closely to commission a research project to devise possible school-based drug testing schemes for voluntary adoption by schools in Hong Kong. The proposed research study should cover the following tasks -

- (a) to conduct in-depth research on the experience and details regarding the implementation of voluntary school-based drug testing in schools overseas and international schools in Hong Kong;
- (b) to study pertinent issues requiring attention and identify ways to address such issues if voluntary school-based drug testing was to be implemented in local schools, including privacy, possible

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stigmatization, methods of testing, costs of the scheme, and support and referral services required;

- (c) to consult local schools, the education sector, the social welfare sector and other stakeholders with a view to gauging their views; and
- (d) to recommend one or more concrete and feasible schemes, covering relevant aspects such as arrangements, procedures, resources, support measures, etc.

64. C for N informed members that a research brief was being drawn up by ND to invite proposals on how a school-based drug testing scheme for voluntary adoption by local schools should be devised. It was expected that the research study would be commissioned by the fourth quarter of 2009. The research party would be required to recommend a model scheme and to run it as a pilot project in a number of representative schools starting from 2010. Having regard to practical operational experiences, ND would refine and promote the scheme for general adoption by local schools.

65. Responding to Ms Audrey EU's enquiry as to whether a comprehensive public consultation would be conducted upon completion of the research study, C for N advised that the research party would work out the details of the scheme in close consultation with the parties concerned, including the school and the anti-drug sectors.

66. The Deputy Chairman said that he was disappointed that the public consultation exercise on the proposal to carry out compulsory drug tests and the research study on adoption of voluntary school-based drug testing to identify young drug abusers in schools would only commence in around the end of 2009. He opined that ND should make serious efforts to speed up the decision process regarding the implementation of voluntary and compulsory drug testing in Hong Kong.

67. C for N responded that the Task Force had recommended some 70 recommendations spanning over the five prongs of the anti-drug policy. The 70-plus recommendations represented an ambitious agenda for the Government. In order to achieve maximum impact, the inter-departmental working group would ensure a proper focus and accord appropriate priorities in implementing various recommendations. Given that the voluntary school-based drug testing would involve many complex issues that required a substantial amount of time for research, analytical work and discussion with stakeholders, the Administration would commission an independent research study. The research party should ensure all issues of concern such as privacy, confidentiality, consent and stigmatization were fully addressed.

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68. Mr Andrew LEUNG shared the view that the Administration should speed up the implementation of the recommendations of the Task Force. He said that if additional resources were required, SB should submit funding request to LegCo.

69. C for N responded that the Administration was working in full swing to take various recommendations forward within the next three years taking into account various priorities. Where necessary, it would seek additional resources to implement the initiatives in accordance with the established procedures for resource allocation.

70. Mr WONG Kwok-kin was concerned about the support and referral services provided for students identified to have drug abuse problems through the drug test. He hoped that clear guidelines and protocols would be drawn up for all personnel in the school setting to handle cases involving at-risk students and those with drug abuse problems in a collaborative manner, to ensure appropriate assistance and timely referral and follow-up.

71. C for N stressed that treatment and rehabilitation was an indispensable part of the anti-drug efforts to help those who had drug abuse problems. While the possible use of voluntary and compulsory drug testing would be explored as a means to identify young drug abusers for early intervention, the inter-departmental working group would strive for better coordination among the five prongs of anti-drug work to ensure a continuum of services and complementary support. The inter-departmental working group would give due consideration to the provision of appropriate downstream treatment and rehabilitation services to identified drug abusers.

72. Mr CHEUNG Man-kwong sought details about the downstream and follow-up rehabilitation services available to youth drug abusers. Assistant Director (Youth and Corrections) of Social Welfare Department replied that the Administration would continue to adopt a multi-modality approach to cater for the different needs of drug abusers with varying backgrounds and circumstances. This included -

- (a) subvention of seven Counselling Centres for Psychotropic Substance Abusers by the Social Welfare Department (SWD) to provide counselling services and other assistance to psychotropic substance abusers and youth at risk;
- (b) operation of seven Substance Abuse Clinics by the Hospital Authority to provide medical treatment to drug abusers with psychiatric problems; and
- (c) strengthening the manpower of the 16 District Youth Outreaching Social Work Teams, 18 teams of Overnight Outreaching Service

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for Young Night Drifters and five teams Community Support Service Scheme.

Cross-boundary drug abuse

73. Mr CHAN Hak-kan expressed concern over the anti-drug abuse work of law enforcement agencies (LEAs) at the boundary control points. Noting that the Customs and Excise Department (C&ED) would step up enforcement actions and strengthen promotional and publicity activities during major festive seasons, he asked about the number of juveniles and young persons arrested for drug-related offences during the Easter and Labour Day holidays respectively in April and May 2009.

74. Assistant Commissioner (Intelligence and Investigation) of Customs and Excise (AC of C&E) responded that C&ED attached great importance to curbing the cross-boundary drug abuse problem. He informed members that -

- (a) on the preventive education and publicity front, C&ED regularly conducted educational and publicity activities at boundary control points and often worked in collaboration with the Police, community leaders, District Councils, District Fight Crime Committees as well as NGOs. Prior to and during long holidays, such efforts were stepped up in tandem with dedicated publicity measures, such as distribution of leaflets, broadcasting of Announcements of Public Interest through the mass media and on trains, displaying huge panel videos, posters and banners at the passengers crossing points, such as Lo Wu and Lok Ma Chau, and arranging featured media interviews to issue warning messages;
- (b) apart from sustained anti-drug publicity, C&ED would continue to step up vigilance at boundary control points and strengthen inspections on suspicious passengers and cross-boundary vehicles. Additional plain-clothed officers would be deployed to the control points to combat cross-boundary drugs trafficking activities;
- (c) stationing detector dogs at the control points was one of the most effective means to detect drug possession and trafficking given the heavy traffic of passengers and cargoes. Having regard to the latest drug smuggling trends via the land boundary, C&ED had enhanced the detector dog services at the boundary control points, so as to strengthen the deterrent effect against drug abusers and traffickers; and

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- (d) with the above measures, the situation of drug trafficking at the boundary control point was generally under control and there was no significant increase in the number of juveniles and young persons arrested for drug-related offences during the long holidays in April and May 2009.

75. Mr WONG Yuk-man considered that to combat the problem of youth drug abuse at source, more efforts should be made in reducing the supply and availability of illicit drugs within the territory. He asked about the details of cooperation with the Mainland authorities on law enforcement against cross-boundary drug abuse and drug trafficking.

76. C for N advised that LEAs had all along been maintaining close cooperation with their Mainland and overseas counterparts. Specifically, intelligence was exchanged, and operational directions for joint enforcement actions had been drawn up to interdict drug trafficking activities. Regular meetings were also held with their counterparts to update each other on the latest drug abuse and drug trafficking situation in the region.

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77. Mr WONG Yuk-man expressed concern about the situation that Hong Kong people now chose to abuse drugs in Shenzhen. He requested the Administration to provide information on entertainment venues or black spots in the Mainland where Hong Kong young people had been arrested for taking drugs, including the number and location of these premises.

Law enforcement and external cooperation

78. Mr CHEUNG Man-kwong said that according to the information provided by the Police on the overall law and order situation of Hong Kong in 2008, a total of 3 718 persons were arrested in connection with serious narcotics cases during the year, representing an increase of 187 or 5.3% when compared with that of 2007; and 31% of the persons arrested (i.e. 1 153) were youths, representing an increase of 231 or 25.1% when compared with the previous year. He expressed concern as to whether the upsurge in serious narcotics offences committed by youth showed that it was becoming more prevalent for drug traffickers to exploit young persons in their illegal trade. He asked about the measures taken by the Administration to combat the problem. He also asked whether there was any difficulty in imposing a heavier sentence on adult offenders who involved a minor in the commission of drug-related offences.

79. In response, C for N and Chief Superintendent of Police (Narcotics Bureau) (CSP(NB)) advised that -

- (a) LEAs, including the Police, and DoJ had been working closely together to invoke section 56A of the Dangerous Drugs

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Ordinance (Cap. 134) (DDO) for imposition of heavier sentences in appropriate cases, so as to increase deterrence against sale and supply of drugs to youth or exploitation of youth in illicit drug activities. A recent example was a case determined in January 2009 where a 55-year-old male used a nine-year-old girl to carry drugs from the Mainland to Hong Kong. The Court had, on the application of DoJ, raised the sentence of 54 months by 50% to 81 months;

- (b) following the Court of Appeal's recent judgment which laid down the sentencing guidelines for trafficking of large quantities of heroin and cocaine (i.e. 600 grams or above), LEAs responsible for enforcing DDO in respect of trafficking, manufacture and other non-medical use of dangerous drugs, namely the Police and C&ED, had come to a better understanding of the specified aggravating factors which called for enhanced sentencing. They would apply to the court for enhanced sentences in the cases involving the exploitation of young people for committing drug offences; and
- (c) it was sometimes difficult for law enforcement officers to gather sufficient evidence to prove that an adult had involved a minor in the commission of a drug-related offence and to institute prosecution against the adult under DDO. Whether prosecution could be taken and the strength of the case relied heavily on the statement provided by the minor and his willingness to identify the person whom he was working for.

80. Responding to Mr IP Kwok-him's question about the adequacy of the level of penalties imposed on adults who involved a minor in the commission of drug-related offences, C for N advised that the maximum penalties for drug-related offences were severe. For instance, trafficking in or the manufacture of dangerous drugs was subject to a maximum penalty of a fine of \$5 million and life imprisonment. She stressed that if there was sufficient evidence to prove that an adult convicted of an offence had involved a minor in illicit drug activities, the Police and C&ED would seek enhanced sentences against the offender by invoking section 56A of DDO.

81. Mr WONG Kwok-kin queried whether the increased supply and low retail price of psychotropic substances had led to the increase in drug abuse among the youth. He asked whether the Administration had analyzed the causes for the increase. In his view, the Administration should combat the problem of youth drug abuse at source, and more effort should be made in reducing the supply and availability of illicit drugs within the territory.

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82. C for N responded that while the increased supply and low retail price of psychotropic substances could be part of the reasons for the increase in drug abuse among the youth, drug abuse behaviour was often promoted by risk factors and buffered by protective factors at various levels, including personal/interpersonal, family, school and community. Youth drug abuse was therefore a manifestation of some wider and more intricate issues such as family, health or youth development problems. For this reason, youth drug abuse had to be combated at more fundamental levels. The Administration would promote community participation and mobilize resources outside the government, notably through the Path Builders initiative.

83. Responding to members' concern over the Administration's external cooperation efforts, C for N, AC of C&E and CSP(NB) advised that -

- (a) the World Health Organisation Expert Committee on Drug Dependence would consider in September 2009 whether the tightening of control of ketamine was warranted. ND had already filed its return through the Mainland authorities to a questionnaire by the International Narcotics Control Board on measures to control ketamine and on ketamine abuse and trafficking in respective jurisdictions; and
- (b) the Police and C&ED would continue to pursue closer collaboration on law enforcement efforts with their Mainland and overseas counterparts to tackle transnational drug trafficking and intercept drugs at their origins. Law enforcement officers from Hong Kong and the Mainland had intercepted a shipment of methylamphetamine in a joint operation recently, successfully blocking the inflow of drugs to Hong Kong.

Police School Liaison Programme

84. Noting that the Police had enhanced the School Liaison Officer Scheme by creating 27 school liaison officer posts in the fourth quarter of 2008 on top of the existing 58 posts, Mr Albert HO asked about the role and effectiveness of the police school liaison officers in combating the youth drug abuse problem on campus. He hoped that the Police could make good use of the newly created school liaison officer posts to collect intelligence on drug offence cases on campus and cases involving students outside schools.

85. C for N and CSP(NB) responded that -

- (a) since its establishment in 1974, the School Liaison Officer Scheme (the Scheme) had been an integral part of the community policing strategy to assist schools in preventing young people

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from falling prey to crime and involving in drug or crime activities;

- (b) all the school liaison officers under the Scheme were officers at Sergeant rank. They served all primary and secondary schools in the territory under the supervision of the Police Community Relations Officers in their respective districts. They paid regular visits to schools and maintained close liaison with the school community, including school principals, teachers, school social workers, school youth organizations and parent-teacher associations. They advised school management on effective ways to handle the undesirable behaviour of students in schools, and organized seminars and talks on a wide range of topics including preventing and combating drug abuse and other juvenile crimes;
- (c) apart from liaising closely with schools on the practical enforcement of the law and collecting information concerning student involvement in illegal activities, school liaison officers also interviewed problematic students identified by schools on a small group or individual basis to assist them in building up positive values and observing discipline;
- (d) in 2008, school liaison officers had paid around 10 000 visits to different schools and interviewed more than 2 000 students on an individual basis,
- (e) in order to further strengthen the communication and connection with, and support for, schools, parents, students and social workers, the Police actively pursued the Scheme by creating 27 additional school liaison officer posts in 2008-2009. After increasing the manpower, the Police had strengthened the services provided to schools. It had increased the frequency of school visits and organized more anti-drug and anti-crime talks and other preventive education activities in schools; and
- (f) as there had been an increasing trend of youth drug abuse in recent years and students were arrested for narcotics offence from time to time, the Police would continue to combat drug activities in school campus or involving students and co-operate, as and where necessary, with the relevant parties, such as the Education Bureau (EDB), SWD, parent-teacher Associations and NGOs.

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Preventive education and publicity

86. Mr CHAN Hak-kan held the view that the Administration should recognize the pivotal role the school sector played in the battle against youth drug abuse. He hoped that EDB could participate in the anti-drug cause more proactively. Noting that EDB and ND had commissioned NGOs to organize professional training programmes starting from the 2008-2009 school year to equip teachers with anti-drug knowledge, Mr CHAN expressed worry that the involvement of teachers in the handling of drug abuse cases involving students might increase their workload substantially.

87. Principal Assistant Secretary for Education (School Development) (PAS(SD)) responded that the Administration shared the view that the school sector was an important platform for promoting the anti-drug cause. In this connection, EDB was gearing up efforts in -

- (a) promoting all schools to develop a school-based healthy school policy with an anti-drug element, having regard to the development needs of students;
- (b) reviewing and updating the school curriculum as well as other learning opportunities to strengthen anti-drug education. The focus would be placed on enhancing the knowledge of students on the harmful effects of drugs, dispelling any misconceptions, strengthening their life skills and resistance to adversity and temptations. The "Moral and Civic Education" curriculum framework was revised in 2008 with specific learning expectations relevant to anti-drug education for schools' curriculum planning. EDB would further strengthen anti-drug education in the NSS curriculum to be launched from September 2009 onwards, such as by the core subject "Liberal Studies" and the elective "Health Management and Social Care". A new subject "Life and Society" would be offered at the junior secondary level which covered anti-drug education;
- (c) organizing structured professional training for teachers including a half-day, on-site school-based training programme for class teachers and subject teachers to enhance their knowledge on drug prevention and early intervention, and a two-day advanced training programme for key school personnel, such as guidance and discipline teachers, to equip them with knowledge and skills in planning and implementing a healthy school policy. As resources had been provided for schools to employ supply teachers to facilitate teachers to take part in the two-day advanced training, it was believed that the increased workload arising from this anti-drug initiative could be alleviated;

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- (d) developing anti-drug resource kits for schools and organize relevant training and seminars; and
- (e) developing a resource kit for parents to help schools and parent-teacher associations plan and implement anti-drug programmes for parents, with a view to enhancing home-school cooperation in the anti-drug cause.

88. Mr IP Kwok-him expressed concern about a recent media report which stated that the trend of drug abuse, in particular psychotropic substance abuse, was getting more serious among tertiary students. He asked whether the Administration was aware of the problem and whether any measures were in place to combat the problem and control the situation. He said that unlike some traditional drugs such as heroin, many psychotropic substances could simply be sniffed or swallowed, rather than injected. The discomfort of withdrawal symptoms was not obvious initially and their harmful effects on the body, such as the development of permanent damages to the functions of internal organs, might not be immediate or apparent. He considered that to enhance public awareness of the problem, the Administration should step up publicity on the harm caused by psychotropic substance abuse. His view was echoed by Mr Andrew LEUNG.

89. C for N responded that given the increasing prevalence of psychotropic substance abuse among tertiary students, the latest survey of drug abuse among students conducted by the Central Registry of Drug Abuse had included tertiary students as survey targets. The findings of the survey would reflect the magnitude of the problem of youth drug abuse accurately, thus facilitating the Administration's planning of anti-drug work in schools. With a view to preventing and reducing psychotropic drug abuse among tertiary students, the Administration had reinforced drug education in the University Grants Committee-funded institutions, through anti-drug programmes and activities as well as anti-drug projects supported by the Beat Drugs Fund. As regards the suggestion of strengthening publicity on the harm of drugs, C for N said that the Government had launched a two-year territory-wide campaign against youth drug abuse with the theme "No Drugs, No Regrets. Not Now, Not Ever". The objectives were to enhance community awareness of the trend and situation of youth drug abuse, to bring home the serious harm of psychotropic substances, and to mobilize community efforts to combat the problem in a concerted and sustained manner.

90. Concluding the discussion, the Chairman requested the Administration to report work progress to the Panel before the end of 2009, with emphasis on the proposed drug testing schemes and the Administration's efforts in tackling the cross-boundary drug abuse problem.

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(Members agreed that the meeting should be extended to end at 6:15 pm.)

IX. Police handling of ethnic minorities and beat patrol arrangement

(LC Paper Nos. CB(2)1419/08-09(08) to (10) and CB(2)1291/08-09(01))

91. Principal Assistant Secretary for Security (E) (PAS(S)E) briefed members on the Police's guidelines and training in respect of the handling of ethnic minorities and street sleepers as well as the beat patrol arrangement for Police officers as set out in the Administration's paper.

92. Dr Margaret NG expressed deep concern over an open fire incident in Hung Hom on 17 March 2009 (the Incident) which caused the death of a Nepalese. She asked whether the Administration would consider setting up an independent commission of inquiry to inquire into the Incident.

93. PAS(S)E responded that the Administration noted the concerns of the non-ethnic Chinese (NEC) communities in Hong Kong arising from the Incident. The Police, as requested by the coroner, had been carrying out an independent investigation into the case in accordance with the Coroners Ordinance (Cap. 504). The Police would submit a detailed report to the coroner upon completion of the investigation in accordance with section 9 of the Coroners Ordinance. The coroner would independently consider the report and decide whether to hold an inquest. In accordance with the law, unless the coroner directed otherwise, an inquest would be held in open court. The coroner would also decide whether to hold an inquest with a jury. PAS(S)E said that the Coroners Ordinance already provided for the arrangement for handling cases of such nature, and such arrangement had been adopted in previous similar cases. Hence, the Administration considered it appropriate for this case to be handled in accordance with the Coroners Ordinance, in line with past practice. The Administration would await the coroner's decision on whether to hold an inquest before considering whether any further step might be required in addition to the arrangement provided under the Coroners Ordinance. In the interim, to protect the integrity of the ongoing investigation and the imminent consideration of the case by the coroner, it would not be appropriate for the Police to comment on the case.

94. Ms Emily LAU referred to a joint submission from herself, Hong Kong Unison and Hong Kong Human Rights Monitor, which set out a number of suggestions on possible improvements to the Police's handling of ethnic minorities. She hoped that the Administration would seriously consider their views and suggestions.

(Post-meeting note : The joint submission tabled at the meeting was issued to members vide LC Paper No. CB(2)1490/08-09(02) on 6 May 2009.)

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95. In response, Regional Commander (Kowloon West) (RC/HKPF) made the following points -

- (a) the Police attached great importance to developing constructive relationship with all NEC communities in Hong Kong. It had implemented various initiatives to engage the ethnic communities, to improve mutual understanding and to enhance service delivery to them. The Police hoped that through effective communication, mutual trust could be established, contributing to a harmonious and inclusive society in which the safety of all citizens could be assured;
- (b) at the strategic level, the efforts of the Police towards supporting ethnic minorities were coordinated by the Working Group on Non-ethnic Chinese chaired by the Regional Commander of Kowloon West on behalf of the Commissioner of Police. The Working Group, established in April 2006, reviewed and appraised existing mechanisms and initiatives within the Police related to ethnic minority issues, and developed means to enhance dialogue and engagement with ethnic minority communities, and the policing service needs of ethnic minority communities in Hong Kong;
- (c) at the district level, the Police established and maintained liaison with ethnic minority groups through visits and personal contacts by Police Community Relations Officers. To enhance the cultural sensitivity of the frontline officers, language courses were provided to officers working in districts with a high concentration of NEC population;
- (d) all Police officers received training on relevant provisions of the Basic Law and the Hong Kong Bill of Rights Ordinance (Cap. 383) as part of their foundation training and continuous development training. Officers were reminded that all persons, regardless of their race, colour or nationality or ethnic origin, were equal before the law and were entitled without any discrimination to the equal protection of the law;
- (e) to assist ethnic minority youths to better understand their civic responsibilities and the work of the Force, the Police had engaged them in the Junior Police Call programme and organized talks and activities promoting the participation of NEC; and
- (f) the Force recognized the potential benefits of having ethnic minority residents as Police officers to provide better service for

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the multicultural population. The Force has strengthened liaison with local schools with large percentage of ethnic minority students, in an effort to attract ethnic minority students to join the Force by organizing career talk for them. The Force also assisted ethnic minority youths to better understand the work of the Force by engaging them in various youth programmes.

96. The Deputy Chairman considered that merely assigning the Police to investigate its own officers could hardly convince the public that the investigation would be fair and trustworthy. He noted with concern that a group of ethnic minority organizations/concern groups and individuals had, in their letter addressed to the Chief Executive and copied to Members of the Legislative Council on 4 May 2009, expressed worry about the impartiality and independence of the Police's investigation into the open fire incident in Hung Hom which caused the death of a Nepalese. The Deputy Chairman echoed Dr Margaret NG's view that the Administration should respond to public aspiration for the establishment of an independent commission of inquiry, so as to allay public concern of Police officers shielding one another in conducting the investigation.

(Post-meeting note : The letter tabled at the meeting was issued to members vide LC Paper No. CB(2)1490/08-09(01) on 6 May 2009.)

97. RC/HKPF responded that the Police had strict guidelines on the use of force and firearms. Every case involving the use of force or firearms would be investigated in a fair, just and impartial manner to ensure proper exercise of Police power by the officers concerned. Regarding the open fire incident in Hung Hom on 17 March 2009, the Police had been conducting a thorough investigation. Apart from interviews and taking of statements from persons who had witnessed the Incident, a wide range of evidence gathering and analysis activities such as scene visits, technical investigation by forensic experts and identification specialists, examination of reports and records, etc would be carried out. RC/HKPF added that to ensure that the Police's investigation was conducted impartially and thoroughly, the handling of this case was under his direct supervision.

98. The Deputy Chairman noted with concern that there were media reports to the detriment of the deceased immediately after the Incident. He said that the disclosure of the deceased's personal information to the public would compromise the credibility and impartiality of the Police's investigation in respect of the Incident. He took the view that Police officers involved in disclosing to the media information about the deceased should be prosecuted for perverting or obstructing the course of public justice. He called on the Administration to investigate the matter.

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99. In response, RC/HKPF assured members that in line with the established practice, the Police had only released basic information of the case, including the surname, age and gender of the subject, to the media upon enquiry. Regarding the allegation that Police officers had deliberately obstructed the investigation by disclosing the deceased's personal data to the media, RC/HKPF said that he had cross-checked with the relevant parties but found that there was insufficient evidence pointing to any misconduct.

100. Mr WONG Yuk-man shared the concern of the Deputy Chairman about how local mainstream media had reported the open fire incident in Hung Hom. He referred to four articles extracted from Student Press of The Chinese University of Hong Kong Student Union, and requested the Administration to ensure that the Police's investigation into the Incident would be conducted impartially.

(Post-meeting note : The articles provided by Mr WONG Yuk-man and tabled at the meeting were issued to members vide LC Paper No. CB(2)1490/08-09(03) on 6 May 2009.)

(Members agreed that the meeting should be further extended to end at 6:25 pm.)

101. Ms Audrey EU considered that as the Incident involved killing of a Nepalese by a policeman, it would be difficult to command public confidence in the outcome of an internal investigation by the Police, or convince the public of the impartiality of the Police's investigation. She pointed out that even if a death inquest was to be held under the Coroners Ordinance, the investigation to be conducted would not be an independent one since it would not be conducted by the Coroner himself but by the Police. Such an investigation would not be considered impartial and credible by the public. For this reason, the Administration should not resist the suggestion for an independent inquiry into the Incident. Ms EU added that there were precedents in which it was not necessary to wait for the completion of a death inquest before consideration was given to conducting an independent inquiry into the same incident.

102. Mr IP Kwok-him said that the Democratic Alliance for the Betterment and Progress of Hong Kong was very concerned about the Incident. Noting that the Coroner had requested the Police to submit a report on the Incident under section 9 of the Coroners Ordinance, it was up to the Coroner to decide whether he would request for further information or take action under other sections of the Ordinance. He further said that as a death inquest might be initiated, he did not consider at the present stage that a separate independent inquiry was necessary. Consideration could be given to conducting such an inquiry if some questions remained unresolved after the completion of the judicial procedure.

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103. Regarding the suggestion of establishing an independent commission of inquiry into the Incident, PAS(S)E reiterated that the purpose of the investigation conducted under the Coroners Ordinance covered the cause and the circumstances of the death. Although the Ordinance did not allow persons other than the Police to carry out investigation, the Police would ensure that its investigation into the Incident was conducted independently and impartially. The statutory requirements provided assurance that the coroner would be capable of exercising his powers and functions independently and impartially to find out the cause of death. The Administration considered it appropriate for this case to be handled in accordance with the Coroners Ordinance.

104. Hon Audrey EU moved the following motion -

"本委員會要求政府成立獨立調查委員會以調查Mr Limbu被槍殺過程及檢討警方接觸少數族裔時的指引及措施。"

(Translation)

"That this Panel requests the setting up of an independent commission of inquiry by the Government to inquire into the circumstances leading to the death of Mr Limbu during a gunshot incident, and to review the Police's guidelines and measures for the handling of ethnic minorities."

105. The Chairman put the motion to vote. Six members voted in favour of the motion, and one member voted against it. The Chairman declared that the motion was carried.

106. The meeting ended at 6:25 pm.